



Te Awa Tupua

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In August 2014 my iwi, Te Ati Haunui a Paparangi, signed a Deed of Settlement with the NZ Government which settled the longstanding claim that my people have had over the Whanganui River for over a century and a half.

The Whanganui is the third longest river in NZ at just under 300kms length; it drains approximately 7000 km² of geologically young, and therefore erosion-prone, hill country in Te Ika a Maui, the central North Island. The Whanganui rises on the western slopes of the Kahui Maunga, the mountains of the central volcanic plateau where the headwaters have been tapped for the production of hydro-electricity via the Tongariro Power Scheme since the 1970s, something our people were not consulted over and continue to oppose.

The Whanganui River's challenges today are typical of rivers in Aotearoa and indeed the world. They include poor land management, the clearing of hill-country from the 1860's onward for pastoral farming resulting in steadily increased sediment loading, nutrient enrichment, bacterial loading, bank destabilisation, deoxygenated water in unshaded feeder streams in the summer months, stock trampling of fish spawning habitat and so on – familiar territory worldwide .

Beginning in the 1880s laws were passed to force the physical removal of pa tuna and utu piharau (eel and lamprey weirs) to allow for the passage of river steamers into the interior. In doing so the Crown embarked on a less than subtle programme aimed at undermining the reliance on and therefore relationship the Whanganui tribes have had with the River for over a thousand years.

When I consider the history of my tribe's claim for the Whanganui River it has always essentially been about the same ancient edict of our old people – *kauaka e korero mo te Awa, korero ki te Awa*. Do not merely speak of the River but address it directly.

Unfortunately post 1840 the laws of the land and broken Crown promises denied us any chance of fulfilling that edict in practice. More than that, the wilful neglect of kawa –the universal law of nature our old people adhered to – saw the wilful denial of recognition of the River itself as a living tupuna, or ancestor. Instead of seeing the River as a whole the colonists created a raft of disparate laws for governance and management, an approach that I liken to attempting to sustain a pulse within an eviscerated and dismembered corpus.

Thus the driver that led to the 2014 Treaty of Waitangi settlement and then the legal person status which has now been accorded the Whanganui River was to re-establish kawa, the universal law of nature, as the overarching principle through which the Whanganui River will be defined going forward.

We didn't always lead with our kawa. Our original attempt to negotiate a settlement with the government between 2002 and 2004 was the all too familiar exercise of bending ourselves around the foreign constructs we had encountered for the greater part of the 19th and 20th centuries. Time and time again we were forced into arguing the River's rights through the foreign construct of abstract human rights: concepts such as tenure, proprietary interest, notions of customary and aboriginal title, informed consent, co-governance and management and so on and so on. As our late rangatira (leader) Sir Archie Te Atawhai Tairaroa put it in 1994: *Whanganui Iwi have sought to preserve our rights, protested, petitioned the Crown and pursued our claims...before numerous Courts and tribunals And such litigation has often seen issues narrowed such that they are almost unrecognisable in Māori/indigenous terms."*

Because the extract I submitted to this conference mentions first principle thinking as the basis for perpetuating kawa I should explain what I mean by first principle thinking for a moment. Kawa dictates that our presence as humankind within the natural order is self-evident: we utilise the natural order (that is, natural resources) for life because we are part of that natural order; we are derived from that natural order and reliant upon it. Where modernity has overstepped the mark somewhat is to assume we can extract ourselves from that natural order, master it, and perpetuate that natural order solely on our terms.

And that is why we went back to our kawa as the central driver of our Treaty of Waitangi settlement approach when negotiations recommenced in 2008. Our leadership reminded us of the dictates of kawa, to talk to the River instead of merely talking about it. They encouraged us to break new ground with the negotiations and in doing so go back to what we know the best – the old ground. And you know what – it took four years of hard grind, almost weekly saying exactly the same thing to a room full of Crown officials before they got it. But the greatest thing about the repetition of our messaging over those four years was witnessing (albeit slowly) the realisation come across the Crown officials' faces that when they stepped outside of their respective silos and saw the common denominator, the River, they saw that what we were talking about was universal and could work for all communities. Suddenly the indigenous world view could be the community's world view. Local government were some of the first to see the merit in this approach and that made things much easier.

LEGAL PERSONHOOD

The legal personhood status that has been established at law via the Te Awa Tupua (Whanganui River Claims Settlement) Act is merely a vehicle. It is a very important vehicle for upholding the innate values of Te Awa Tupua with accordant legal weighting to facilitate the paradigm shift necessary to accept universal natural law as the new truth for the Whanganui River. But a vehicle nonetheless.

So I want to conclude by focusing on what legal personhood has actually been created to support: Tupua Te Kawa – the four innate values of Te Awa Tupua which define that legal person (set out below).

Tupua Te Kawa (The Innate Values of Te Awa Tupua)

Ko te Awa te mātāpuna o te ora

(The River is the source of spiritual and physical sustenance)

Te Awa Tupua is a spiritual and physical entity that supports and sustains both the life and natural resources within the River and the health and wellbeing of iwi, hapū and other communities of the River.

E rere kau mai te awa nui mai i te kahui maunga ki Tangaroa

(The great River flows from the mountains to the sea)

Te Awa Tupua is an indivisible and living whole from the mountains to the sea, incorporating the River and all of its physical and metaphysical elements.

Ko au te Awa, ko te Awa ko au

(I am the River and the River is me)

The iwi and hapū of the River have an inalienable interconnection with, and responsibility to, Te Awa Tupua and its health and wellbeing.

Ngā manga iti, ngā manga nui e honohono kau ana, ka tupu hei Awa Tupua

(The small and large streams that flow into one another and form one River)

Te Awa Tupua is a singular entity comprised of many elements and communities, working collaboratively for the common purpose of the health and wellbeing of Te Awa Tupua.



Te Awa Tupua

Changing conversations

Dr Nic Peet
Horizons Regional Council

Kei ngā remu huia, kei ngā piki kōtuku, kei aku
rangatira tēnā koutou katoa

Nei rā te tautoko i ngā mihi kua mihia

Otirā kei te whare, tātou kua rauhi mai nei i tēnei rā,
tēnā koutou, tēnā hoki tātou



I address the prized tail feathers of the huia and the white heron,
to my chiefly ones, I greet you all and support all of the
acknowledgements previously expressed .

However to the house, all that have gathered here today,
greetings to you, to one and all.

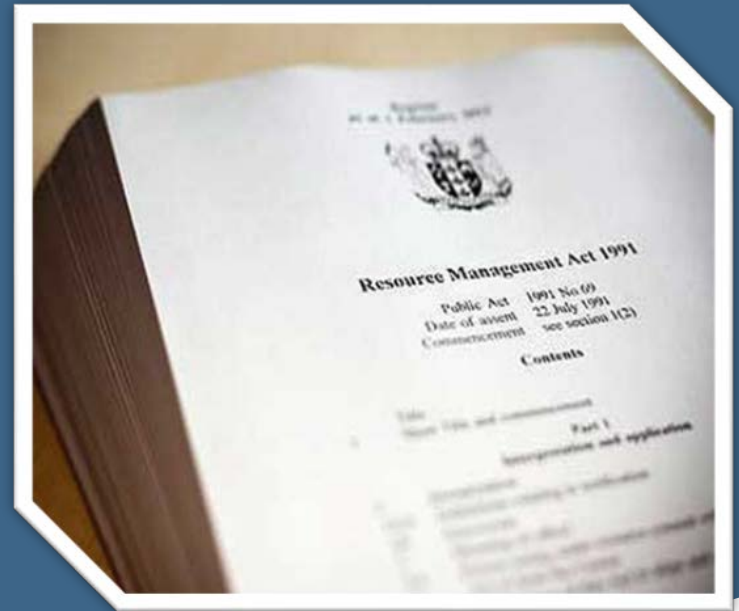
Horizons – an introduction

- Responsible for natural resource management
- Administers an area of 22,212 sq km
- Community of around 230,000 people
- Includes major river systems of Whanganui, Rangitīkei, Manawatū



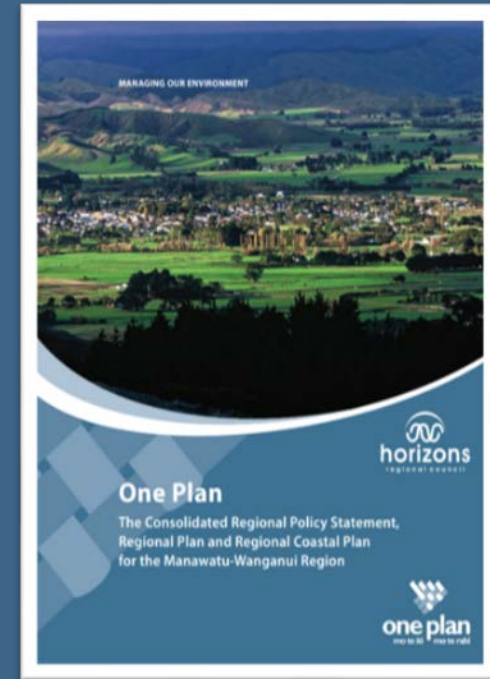
Our traditional relationship with Te Awa Tupua

- Resource management
- A history of allocation, regulation, monitoring, policy setting
- Defined by RMA process
- Challenge and conflict in some areas



Previous conversations based on resource management processes

- Reconsenting of Tongariro Power Development
- Consenting of wastewater treatment plant discharges / industrial discharges
- Planning and policy setting has occurred but lacked inclusivity



Health and Wellbeing

- Water use and abstraction



Health and Wellbeing

- Land use
- Sediment loads
- Ecological and cultural indicators of health



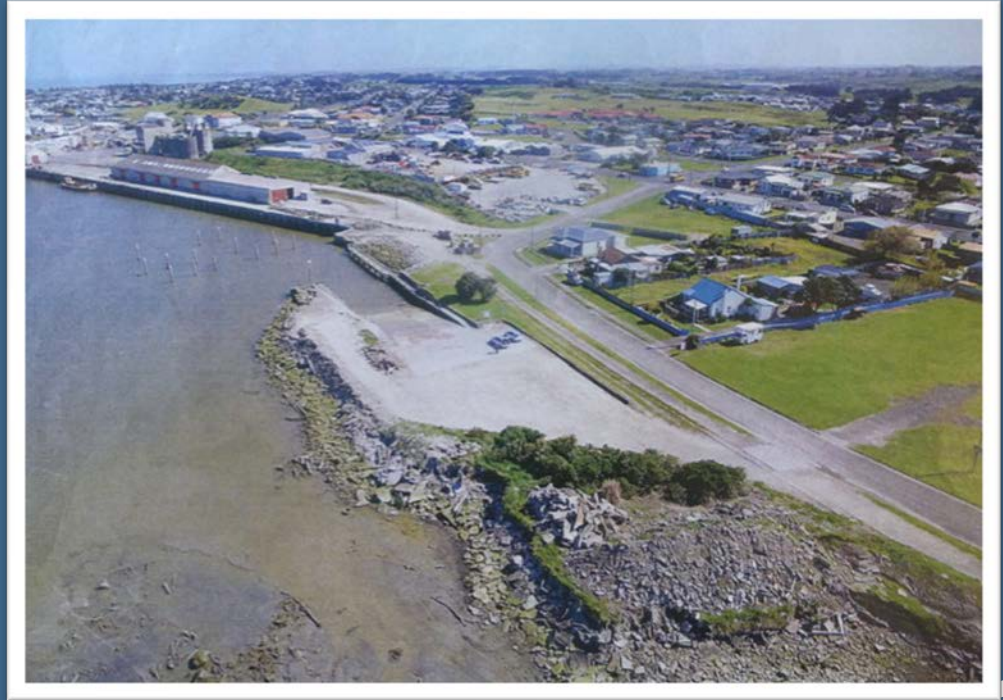
Health and Wellbeing

- Tourism and recreation
- Connection and values



Health and Wellbeing

- Urban development
- Community prosperity



Health and Wellbeing

- Community safety, and resilience
- How the river responds to climate change



Our new conversations

- Directly with Te Awa Tupua
- Te Pou Tupua and their advisors Te Karewao
- Enshrined in four intrinsic values
- With hapū and iwi
- With the collective interests in the catchment
- Around the river and its catchment as whole
- Including the connections between land and water and communities and the river



Te Kōpuka

- Develop, implement, monitor and review Te Heke Ngahuru
- Strategy to address and advance the environmental, social, cultural and economic health and well being of Te Awa Tupua
- Ngā Tāngata Tiaki, 5 members of iwi with interests in the awa, Fish & Game, DOC, Genesis, 4x local councils, 4 x members representing environment & conservation, tourism, recreation, primary sector

Next steps

- The settlement a basis for a new collective approach
- Engagement by Whanganui iwi has engendered support and a will to succeed
- On its own the legislation is just words on paper
- Leadership, respect, willingness to trip up and learn
- 20 years time will probably look very different than now
 - *Nō reira tēnā koutou tēnā koutou tēnā koutou katoa*



Te Awa Tupua

GERRARD ALBERT

Chair

Ngā Tāngata Tiaki o Whanganui





Te Awa Tupua
Mouri Awa, Mouri Tangata, Mouri Ora









Tupua Te Kawa
The Innate Values of Te Awa Tupua



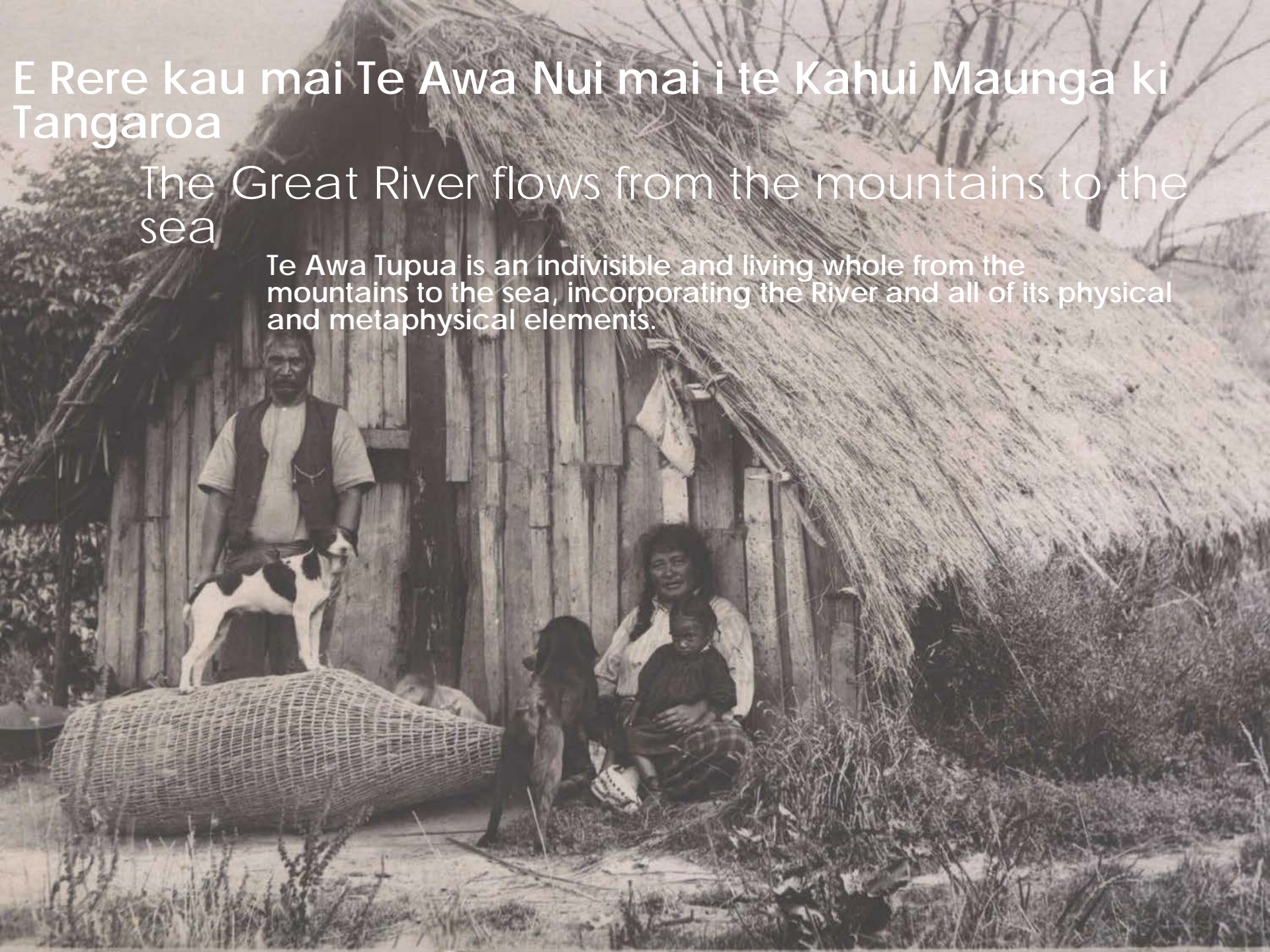
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manga nui e honohono
kau ana, ka tupu hei Awa
Tupua**

*The small and large
streams that flow into one
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comprised of many elements
and communities, working
collaboratively for the common
purpose of the health and
wellbeing of Te Awa Tupua.**





Te Pou Tupua

The human face
and voice of Te
Awa Tupua



Te Mana o te Awa
Te Mana o te Iwi



**A Confident and Prosperous
Tribal Nation and River
Community**

Our Children Speak as the
River, have a sense of place
and belonging always



